

Serial No. 10/619,678

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REMARKS

Claims 20 through 25 are pending in the application. Claim 20 has been amended.

Claims 20-21 and 24-25 have been rejected under 35 U.S.C. 102(b) as being anticipated by U.S. Patent No. 4,706,556 to Wallace et al., hereinafter "Wallace". Claim 20 is independent, and has been amended to clarify a feature that is neither disclosed nor suggested by Wallace. Support for this amendment can be found in Fig. 4 of the present application.

Claim 20 is directed to a slicer for slicing of foodstuffs. The slicer comprises a rotatable disc having a radial slot therein, a knife blade projecting above a plane defined by said rotatable disc, and a chute for downwardly conveying foodstuffs to the rotatable disc. The chute is at an acute angle with respect to a direction of rotation of the rotatable disc. The slicer further comprises an orifice between the chute and the rotatable disc. The chute has an elongated region tapering and extending forwards in the direction of rotation of the rotatable disc. The orifice between the chute and the rotatable disc is at the elongated region of the chute, where the orifice has a shape that decreases in width in the direction of rotation of the rotatable disc.

As noted in the Abstract, Wallace discloses a potato chip manufacturing machine that comprises a potato slicing means pivotally mounted on one end. Potatoes are loaded into the slicing means via an inclined feed tube. The potatoes exit the feed tube and engage a rotating table, where the rotating table has a blade protruding therefrom. The blade removes a portion of the potato, which is then conveyed to an oil bath, where it is fried. (col. 4, l. 3-22) As shown in Fig. 7, the feed tube (reference numeral 116) is a cylindrical tube that disposed at an angle to the rotating table, and is cut cross-sectionally at one end.

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Wallace does not disclose a chute for conveying foodstuffs to a rotating disc, where the chute has an elongated region disposed in an end of said chute and forward in said direction of rotation of said rotatable disc. By contrast, the chute of Wallace maintains the same shape and diameter over the entire course of its length, as shown in Fig. 7. There is no disclosure or suggestion in Wallace that the inclined feed tube discussed therein can have an elongated region, as required in claim 20.

Thus, Wallace fails to disclose or suggest the elements of claim 20. Therefore, claim 20 is patentable over Wallace.

Claims 21, 24 and 25 depend from claim 20. For at least the reasons provided in support of the patentability of claim 20, claims 21, 24 and 25 are also patentable over Wallace.

For the reasons set forth above, the rejection of claims 20-21 and 24-25 under 35 U.S.C. 102(b) as anticipated by Wallace is overcome. Applicant respectfully requests that the rejection of claims 20-21 and 24-25 be reconsidered and withdrawn.

Claim 22 has been rejected under 35 U.S.C. 103(a) as being unpatentable over Wallace in view of U.S. Patent No. 3,280,723, to Hughes et al., hereinafter "Hughes". Applicant respectfully traverses this rejection.

Claim 22 is dependent from claim 20, which is as described above. Claim 22 further provides a chute that has an elbow therein.

Wallace is described above. Hughes discloses an apparatus for preparing and dispensing potato chips that comprises a chute for supplying the potatoes to a slicer. The chute leads the potatoes into the upper end of a passage that has side walls arranged with a helical contour. The side walls converge to a point at which the passage is "very narrow." (col. 4, l. 25-31)

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The Office Action maintains that Hughes discloses a "slicing device comprising chute with an elbow." (¶ 4) Applicants respectfully submit that Hughes does not disclose a chute with an elbow, as required by claim 22. Hughes merely describes a chute having side walls that converge so the passage at the end of the chute is "very narrow."

In addition, Hughes fails to correct the deficiency of Wallace to disclose a chute having an elongated region, as required by claim 22. There is no disclosure or suggestion in Hughes of such an elongated region of the chute.

Thus, Wallace in view of Hughes fails to disclose or suggest the elements of claim 22. Therefore, claim 22 is patentable over Wallace in view of Hughes, and the rejection of claim 22 under 35 U.S.C. 103(a) as anticipated by Wallace in view of Hughes is overcome. Applicant respectfully requests that the rejection of claim 22 be reconsidered and withdrawn.

Claim 23 has been rejected under 35 U.S.C. 103(a) as being unpatentable over Wallace in view of German Patent Publication No. DE 195 48 209 C1 to Shin, hereinafter "Shin." Applicant respectfully traverses this rejection.

Claim 23 is dependent from claim 22, which is as described above. Claim 23 further provides that the orifice is of a teardrop shape, with a narrow end pointed in the direction of rotation of the rotatable disc.

Wallace is described above. Shin discloses a cutting device for preparing food. The cutting device is particularly suited for vegetables or the like, and has a feed opening for the food, holding device located therein.

Shin fails to correct the deficiency of Wallace to disclose a chute having an elongated region, as required by claim 23. There is no disclosure or suggestion in Shin of such an elongated region of the chute.

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Thus, Wallace in view of Shin fails to disclose or suggest the elements of claim 23. Therefore, claim 23 is patentable over Wallace in view of Shin, and the rejection of claim 23 under 35 U.S.C. 103(a) as anticipated by Wallace in view of Hughes is overcome. Applicant respectfully requests that the rejection of claim 23 be reconsidered and withdrawn.

An indication of the allowability of all pending claims by issuance of a Notice of Allowability is earnestly solicited.

Respectfully submitted,

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